

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

TYLER MILLER,

Plaintiff,

vs.

DANIELLE BRAZANT, KATIE
PAPESH, and J.S.M. MARION, LTD.
dba MCDONALD'S,

Defendants.

Case No. 1:20-cv-5

[Linn County Case No. LACV094549]

NOTICE OF REMOVAL

Defendants Danielle Brazant, Katie Papesh, and J.S.M. Marion, Ltd. dba McDonald's, pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 81, request removal of the instant action from the Iowa District Court in and for Linn County to the United States District Court for the Northern District of Iowa, Cedar Rapids Division. In support of their Notice of Removal, Defendants state:

1. On December 19, 2019, Plaintiff filed a Petition at Law and Jury Demand against Danielle Brazant, Katie Papesh, and J.S.M. Marion, Ltd. dba McDonald's, in the Iowa District Court for Linn County.
2. On January 3, 2020 an Acceptance of Service was filed on behalf of the Defendants acknowledging receipt and accepting service of the Original Notice and Petition at Law and Jury Demand.
3. The time within which to file this Notice of Removal has not elapsed.
4. The Petition at Law and Jury Demand asserts claims under the Iowa Civil Rights Acts and the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, et seq.

5. The claim alleging violation of the ADA is within the original jurisdiction of this Court because it arises under the laws of the United States, which may be removed pursuant to 28 U.S.C. § 1441(c).

6. This Court has supplemental jurisdiction of the claim alleging violation of the Iowa Civil Rights Act.

7. Pursuant to 28 U.S.C. § 1446(d), Defendants will timely serve Plaintiff's counsel written notice of the filing of this Notice of Removal.

8. Pursuant to 28 U.S.C. § 1446(d), Defendants will timely file a notice of filing this Notice of Removal with the Clerk of Court for the Iowa District Court in and for Linn County.

9. Pursuant to Local Rule 81(a)(1), copies of all process, pleadings, and orders filed in the state court case are attached hereto as Exhibit A. Defendants will file a supplemental Local Rule 81 statement when a file-stamped copy of the aforementioned pleading is filed in Linn County Case No. LACV094549.

10. Pursuant to Local Rule 81(a)(2), no other matters are currently pending in state court.

11. Pursuant to Local Rule 81(a)(3), the names and contact information of counsel that have appeared in the state court action are included on the statement complying with Local Rule 81(a), attached hereto as Exhibit B.

WHEREFORE, Defendants Danielle Brazant, Katie Papesh, and J.S.M. Marion, Ltd. dba McDonald's, request this Court take jurisdiction of this notice of removal and issue all necessary orders and process in order to remove the above-captioned case from the Iowa

District Court in and for Linn County to the United States District Court for the Northern District of Iowa, Cedar Rapids Division.

SIMMONS PERRINE MOYER BERGMAN PLC

By 
Thomas D. Wolle AT0008564
115 3rd St. SE, Suite 1200
Cedar Rapids IA 52401
Telephone: 319-366-7641
Facsimile: 319-366-1917
Email: twolle@spmblaw.com
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2020, I served the foregoing via electronic mail to the following:

Bradley J. Kaspar
Pickens, Barnes & Abernathy
1800 First Avenue NE, Suite 200
PO Box 74170
Cedar Rapids, IA 52407-4170
bkaspar@pbalawfirm.com

